

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
FILE NO. 1:05 CV 255-T

FILED
ASHEVILLE, N. C.

FEB 1 2006

U.S. DISTRICT COURT
W. DIST. OF N. C.

FORT DEARBORN LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

AMENDED CONSENT JUDGMENT

THE ESTATE OF TERRY LEE DAVIS;
ROBERT L. DAVIS, individually;
AMBER LEE DAVIS, by and through
her natural guardian and mother
SELENA SILVER; SELENA SILVER,
individually; and WEST FUNERAL
HOME, INC.,

Defendants.

THIS CAUSE coming on to be heard and being heard upon the Consent Motion to Amend Judgment of the Defendant Robert L. Davis, individually and as Administrator of the Estate of Terry Lee Davis, with the Defendant West Funeral Home, Inc. having waived any interest in the insurance proceeds at issue in this action, and with all other parties consenting to the amendment of the judgment as herein set out, it is **THEREFORE, ORDERED ADJUDGED AND DECREED** as follows:

1. Plaintiff shall disburse to the trust account of Long, Parker, Warren & Jones, P.A. the full proceeds of the life insurance policy (\$223,614.87) which is the subject of this interpleader action. These funds shall be further disbursed either by joint agreement of counsel for the Estate of Terry Lee Davis and counsel for the guardian of the minor child, Amber Lee Davis, or pursuant to order of the Clerk of Superior Court of Buncombe County;

2. That the Plaintiff is hereby discharged from all liability to the Defendants and associated with the life insurance policy at issue herein, upon payment of \$223,614.87 to the trust account of Long, Parker, Warren & Jones, P.A. Attorney W. Scott Jones shall file an acknowledgment of receipt of payment with this court within 7 days of receipt of payment.

3. That this action is dismissed upon filing of the receipt of payment, with all parties to bear their own costs, fees and expenses.

This the 1st day of February 2006


Lacy H. Thornburg
United States District Judge

WE CONSENT:

s/ W. Scott Jones, counsel for Robert L. Davis,
individually and as Administrator of the Estate
of Terry Lee Davis
P.O. Box 7216
Asheville, NC 28802-7216

s/ Clarke K. Wittstruck, Counsel for Selena
Silver, individually and as guardian of
the minor child, Amber Lee Davis
24 Cornell St.
Asheville, NC 28803-1704

s/ Robert A. Sar, Counsel for Fort Dearborn
Life Insurance Company
P.O. Box 31608
Raleigh, NC 27622